

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JUNE 23, 2005**

**Invocation:** Rev. Cindy Layton, Associate Pastor of Hispanic Ministries, Memorial United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 23, 2005 in the Council Chambers of City Hall, 301 W. 2<sup>nd</sup> Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

1. Approval of the minutes from the meeting of June 9, 2005.  
The minutes from the meeting of June 9, 2005 were approved.
2. Authorize the negotiation and execution of a Memorandum of Agreement (MOA) among the City of Austin, the Texas Commission on Environmental Quality (TCEQ) and the local signatories to the Early Action Compact (EAC) for the implementation of heavy-duty vehicle idling limitation rules.  
The motion authorizing the negotiation and execution of a Memorandum of Agreement was approved.

Items 3 and 4 were pulled for discussion.

5. Approve a resolution to extend the revised fee schedule for participation under the Balcones Canyonlands Conservation Plan – Shared Vision for a period of one year. (Recommended by the Water and Wastewater Commission and the Balcones Canyonlands Conservation Plan Coordinating Committee)  
Resolution No. 20050623-005 was approved.
6. Authorize the negotiation and execution of an amendment to the Agreement for Wholesale Wastewater Utility Service for the Comanche Canyon Ranch Extraterritorial Jurisdiction Planned Unit Development between Travis County Water Control and Improvement District No. 17 (WCID No. 17) and the City of Austin (City). (Recommended by Water and Wastewater Commission.)  
The motion authorizing the negotiation and execution of an amendment to the Agreement for Wholesale Wastewater Utility Service was approved.

7. Authorize the negotiation and execution of an agreement with the U.S. Bureau of Reclamation and the Texas State Historic Preservation Commission to conduct archeological surveys prior to the construction/expansion of segments of the City's reclaimed water system. (Recommended by Water and Wastewater Commission.)

**The motion authorizing the negotiation and execution of an agreement was approved.**

8. Ratify execution of a construction contract with MCLEAN CONSTRUCTION, LTD, Killeen, TX, for construction of the Congress Avenue Alley Wastewater Repair project in the amount of \$87,219.68. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)

**The motion authorizing the execution of a construction contract was approved.**

**Item 9 was pulled for discussion.**

10. Authorize the negotiation and execution of a Master Agreement, Lease Purchase Agreement and other agreements with Airport Commercial Center, Ltd., and its affiliates to acquire a tract of approximately 86 acres of land in Travis County, Texas, being: Lots 1-7 Block A Phase I, Lots 8-10 Block A Phase II, Lots 23, 24 & 25 Block A Phase III, and the remaining unplatted portion (sometimes referred to as Phase IV) of Austin-Bergstrom Airport Center, a subdivision of Travis County, Texas; Spirit of Texas Drive, a subdivision in Travis County, Texas; and Lot 2 Block A, Airport Fast Park Subdivision, a subdivision of Travis County, Texas. (Funding in the amount of \$650,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department.) (Reviewed by the Airport Advisory Commission) (Related Item 20)

**The motion authorizing the negotiation and execution of a Master Agreement, Lease Purchase Agreement and other agreements was approved.**

11. Amend Ordinance No. 040913-02, the Fiscal Year 2004-2005 Department of Aviation Capital Budget to appropriate \$1,646,963 for the Noise Compatibility Program, the Federal Aviation Regulation Part 150 Update to the Noise Compatibility Program, and the Elevator and Escalator Improvement Project. (Funding in the amount of \$812,500 will be available from the Federal Aviation Administration (FAA), \$237,500, the City's in-kind match, is available in the Capital Fund of the Department of Aviation, and \$596,963 is available from the sale of land acquired in the Noise Compatibility Project, a Federal Aviation Administration (FAA) grant-funded project.) (Approved by the Airport Advisory Commission)

**Ordinance No. 20050623-011 was approved.**

12. Amend the Fiscal Year 2004-2005 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate an additional \$219,049 for the Austin Downtown Public Improvement District and to reduce the Fund's Ending Balance by the same amount. (Funding is available from the Fiscal Year 2004-2005 Economic Growth and Redevelopment Services Office Special Revenue Fund Approved Ending Balance.) (Related Item 93)

**Ordinance No. 20050623-012 was approved.**

13. Authorize the negotiation and execution of a Disposition and Development Agreement with U P SCHNEIDER, LP, a Texas Limited Partnership ("Urban Partners"), for assignment of the Schneider Building Sublease (generally located at the southwest corner of Guadalupe Street and 2<sup>nd</sup> Street) from Computer Sciences Corporation to U P Schneider, LP. (No funding required by the City to complete development of the Schneider Building. Urban Partners will provide all funding for the Development Budget of \$696,000 necessary to develop, market, lease and manage the space.)  
**The motion authorizing the negotiation and execution of a Disposition and Development Agreement was approved.**
14. Approve a resolution authorizing that the Interest Rate Exchange Policy ("Swap Policy") related to interest exchange agreements be incorporated into the City of Austin Financial Policies. (Approved by the Audit & Finance Committee.)  
**Resolution No. 20050623-014 was approved.**
15. Approve an ordinance authorizing an extension of the Letter of Credit and Reimbursement Agreement between the City of Austin and Landesbank Hessen-Thuringen Girozentrale relating to the \$50,000,000 Combined Utility Systems Taxable Commercial Paper Notes program, and the approval of all related documents. (The estimated \$110,000 Letter of Credit fee is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Electric Utility Department.)  
**Ordinance No. 20050623-015 was approved.**
16. Approve an ordinance authorizing acceptance of \$302,205 in grant funds from the Federal Emergency Management Agency (FEMA) for Assistance to Firefighters Grant Program for enhancements to the existing Fire Department Wellness/Fitness programs; and amending the Fiscal Year 2004-2005 Fire Department Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$302,205 for the creation of five (5.0) full-time equivalent positions. (Funding is available from the Federal Emergency Management Agency (FEMA). An in-kind match of \$129,516 is required from the Fire Department Operating Budget and will be included in the Fiscal Year 2005-2006 Proposed Budget. The grant period is 03/11/05 through 03/11/06. Continued operation of this program is contingent upon available funding in future budgets.)  
**Ordinance No. 20050623-016 was approved.**
17. Approve execution of an Interlocal Agreement with PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT, Austin, TX, to establish a district-wide, coordinated school health program focusing on health promotion and disease prevention, in support of the goals of the Steps to a Healthier Austin Program, in an amount not to exceed \$15,000, with three 12-month renewal options in an amount not to exceed \$55,000 per renewal option, for a total agreement amount not to exceed \$180,000. (Funding in the amount of \$15,000 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Special Revenue Fund from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention Steps to a Healthier U.S. grant program. The grant period is from September 22, 2004 through September 21, 2005. The Agreement period is from June 1, 2005 to September 21, 2005. Funding for the renewal options is contingent upon available funding in future budgets.)  
**The motion authorizing the execution of an Interlocal Agreement was approved.**

18. Approve execution of Amendment #1 to the AIDS SERVICES OF AUSTIN, INC., Austin, TX, 12-month renewal option Ryan White CARE Act Title I HIV Emergency Relief Grant contract to provide additional HIV-related oral health services in the amount of \$83,414 for a total contract amount not to exceed \$774,475. (Funding in the amount of \$83,414 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White CARE Act Title I HIV Emergency Relief Grant. The grant period and contract performance period is March 1, 2005 through February 28, 2006. No City match is required)  
**The motion authorizing the execution of Amendment #1 was approved.**

**Item 19 was pulled for discussion.**

20. Authorize negotiation and execution of an amendment to the outside counsel contract with BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & MCDANIEL, L.L.P., Austin, TX, to provide legal counsel to the City concerning the possible acquisition of all or part of an 86 acre tract of land on Highway 71 East, Austin, Travis County, Texas owned by Airport Commercial Center, Ltd., in the amount of \$55,000, with a total contract amount not to exceed \$80,000. (Funding in the amount of \$55,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department) (Related Item 10)  
**The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.**
21. Approve execution of a contract with Ebe & Associates, P.C., for legal representation, advice and counsel regarding Cause No. GN201624; *Jeff White v. City of Austin*; 126<sup>th</sup> Judicial District; Travis County, Texas (concerns alleged retaliation against Austin Police Department Officer) (Funding in the amount of \$150,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 112)  
**The motion authorizing the execution of a contract was approved.**

**Item 22 was pulled for discussion.**

23. Approve a resolution amending Resolution No. 020718-57 to clarify the City Council's statement of public purpose and property location related to acquisition by eminent domain of the fee simple interest in 1,979 square feet of land, out of Lot A, Resubdivision of Kenray Corners and Lot 1-C; Resubdivision of Lot 1, Block C, Ramsey Place, locally known as 4501 Guadalupe Street, in the City of Austin, Travis County, Texas, owned by A. G. Ainsworth, Jr., Individually and as Trustee of the A. G. Ainsworth, Sr. Testamentary Trust, Garrison Gray Ainsworth, Don Ray Ainsworth, Spencer James Ainsworth, and Mark Hutton Ainsworth, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-023 was approved.**
24. Approve a resolution amending Resolution No. 041118-16 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 0.037 acre permanent wastewater line easement, a 0.350 acre temporary working space easement, and a 0.309 acre temporary ingress and egress easement out of a 24.001 acre tract of land in the John Applegate Survey No. 58, Abstract 29, in Travis County, Texas, for the Little Walnut/Buttermilk - North Capital Drive portion of the Austin Clean Water Program, generally located at 0 Longspur Boulevard East, which is the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive, and west of IH-35, in the City of Austin, Travis County, Texas, owned by Texrun Enterprises, Inc., in the amount of \$21,439, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-024 was approved.**

25. Approve a resolution amending Resolution No. 041028-19 to clarify the City Council's statement of public purpose related to the acquisition by eminent domain of 0.009 of an acre for a temporary working space easement out of a portion of a 0.8497 acre tract of land in the L. C. Cunningham Survey No. 63, Abstract No. 163 in Travis County, Texas, generally known as 1509 Three Points Road, Travis County, Texas, owned by Jackie L. Payne, for the amount of \$100.00, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-025 was approved.**
26. Approve a resolution amending Resolution No. 050217-9 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 2,456 square feet and two temporary working space easements, one containing 3,500 square feet and the other containing 284 square feet, all out of Lot 2, Amended Plat of Tract A, North Loop Plaza Resubdivision #1, and Block 12 Rosedown, a subdivision in the City of Austin, and one permanent wastewater line easement containing 2,709 square feet out of Lot 16, Block 10, Rosedown, a subdivision in the City of Austin, for the Upper Shoal Creek-Lower Hancock Branch portion of the Austin Clean Water Program, generally known as 5218 Burnet Road, in the City of Austin, Travis County, Texas, owned by MWM Fund III, Ltd., in the amount of \$133,500, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-026 was approved.**
27. Approve a resolution amending Resolution No. 050303-18 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 26,981 square feet of land, a temporary working space easement containing 6,486 square feet of land, and a permanent access easement containing 52,184 square feet of land, all out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, Texas, for the Little Walnut/Buttermilk at 290 and 183 portion of the Austin Clean Water Program, generally known as 1901 Anderson Lane, in the City of Austin, Travis County, Texas, owned by Alliance FHW Limited Partnership, Northbrook, Illinois, in the amount of \$135,842, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-027 was approved.**
28. Approve a resolution amending Resolution No. 040624-17 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 41' square foot permanent wastewater line easement, a 156 square foot temporary working space easement, and a 4,793 square foot temporary ingress and egress easement out of Lot 2, Block A, Podolnick Place, a subdivision in Travis County, for the Upper Shoal Creek - Lower Hancock Branch portion of the Austin Clean Water Program, generally located at 2209 Hancock Drive in the City of Austin, Travis County, Texas, owned by Austin PC-1, Ltd., in the amount of \$8,644, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-028 was approved.**
29. Approve a resolution amending Resolution No. 20050519-015 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of an 18,038 square foot permanent wastewater line easement, a 63,686 square foot temporary ingress and egress easement, a 26,578 square foot temporary working space easement, and a 2,418 square foot temporary staging area and material storage site easement out of Block 1, Lot A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, Texas, for the Little Walnut/Buttermilk - North Capital Drive portion of the Austin Clean Water Program, generally located at 1088 Park Plaza in the City of Austin, Travis County, Texas, owned by Austin Windcrest Park Plaza

Limited Partnership, West Springfield, Massachusetts, in the amount of \$184,500, because the parties have been unable to agree on an appropriate purchase price.

**Resolution No. 20050623-029 was approved.**

30. Approve a resolution amending Resolution No. 030731-12 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a temporary workspace easement containing 0.126 acre of land and a permanent wastewater line easement containing 0.128 acre of land out of the L. C. Cunningham Survey 63, Abstract No. 163, Travis County, Texas, generally located on the south side of FM 1825 east of IH-35, in the City of Austin, Travis County, Texas, owned by S. Thurman Blackburn, III, in the amount of \$7,655, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-030 was approved.**
31. Approve a resolution amending Resolution No. 040805-14 to clarify the City Council's statement of public purpose related to acquisition by eminent domain a 26,736 square foot temporary staging area and material storage site easement and a 53,439 square foot temporary ingress and egress easement out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, Texas, for the Little Walnut/Buttermilk at 290 & 183 portion of the Austin Clean Water Program, generally located at 0 U.S. 290 Highway East, the north side of U.S. Highway 290 East, just west of East Anderson Lane (U.S. Highway 183) in the City of Austin, Travis County, Texas, owned by the Carter Family Partnership, in the amount of \$16,837, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-031 was approved.**
32. Approve a resolution amending Resolution No. 050127-13 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 1,625 square feet out of Lot 4, Block 1, Peppertree Park Section 2, a subdivision in the City of Austin, Travis County, Texas, for the P2 Williamson portion of the Austin Clean Water Program, generally known as 5106 Spruce Cove, in the City of Austin, Travis County, Texas, owned by Henry Chang, in the amount of \$2,486, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-032 was approved.**
33. Approve a resolution amending Resolution No. 030731-15 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of two permanent street right-of-ways one containing 25,327 square feet and the other one containing 1,400 square feet, a permanent water quality and drainage easement containing 100,288 square feet, a permanent slope easement containing 4,053 square feet, a temporary construction easement containing 20,088 square feet, and a temporary workspace easement containing 1,000 square feet, out of the William Cannon Survey No 19, Travis County, Texas, generally known as 1502 West Dittmar Road, in the City of Austin, Travis County, Texas, owned by Edwin B. Ermis, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-033 was approved.**
34. Approve a resolution amending Resolution No. 031120-18 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 14,948 square foot permanent access easement, a 1,083 square foot permanent drainage easement, and a temporary staging area and material storage site easement comprised of 45,652 square feet of land out of 15.034 acres of the John Applegate Survey 58, Abstract 29, Travis County, Texas, generally located east of Cameron Road and south of Clear Creek Drive, in the City of Austin, Travis County, Texas, for the Little Walnut/Buttermilk at Centre Creek portion of the Austin Clean Water Program, owned

Joseph, Joseph & Williams Partnership, a Texas general partnership, in the amount of \$35,578, because the parties have been unable to agree on an appropriate purchase price.

**Resolution No. 20050623-034 was approved.**

35. Approve a resolution amending Resolution No. 040729-30 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 547 square foot permanent wastewater line easement out of Lot 16, Block D, Windsor Park Section, 4A, a subdivision in Travis County, Texas, for the Upper Tannehill - Broadmoor and Cameron portion of the Austin Clean Water Program, generally known as 1307 Broadmoor Drive, in the City of Austin, Travis County, Texas, owned by Edward D. Hill and Jeral Tatum Hill, in the amount of \$3,650, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-035 was approved.**
36. Approve a resolution amending Resolution No. 030424-36 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater lift station site, access road, gas and water easement containing 2,027 square feet of land, and a temporary construction easement containing 2,490 square feet of land out of Lot 2, Block C, Bluffington, Section 2, Travis County, Texas, generally known as 3002 Stratford Drive, in the City of Austin, Travis County, Texas, owned by Todd Martin, in the amount of \$46,345, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-036 was approved.**
37. Approve a resolution amending Resolution No. 040415-12 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of two permanent wastewater line easements containing 108 square feet and 1,742 square feet and also a 21,166 square foot temporary working space easement out of 5.0 acres of land, more or less, in the James P. Wallace Survey No. 7, and Lots 1 and 2 of the Resubdivision of a part of Lot 9, Ridgetop Gardens, City of Austin, Travis County, for the Upper Tannehill - Broadmoor and Cameron portion of the Austin Clean Water Program, generally known as located at 1320 East 51st Street, in the City of Austin, Travis County, Texas, owned by the Eparchy of Our Lady of Lebanon of Los Angeles, in the amount of \$9,735, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-037 was approved.**
38. Approve a resolution amending Resolution No. 040129-16 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 1,945 square foot permanent wastewater line easement and a 3,193 square foot temporary working space easement out of Lot 1, Block 1, Racetrac Subdivision No. 2, Travis County, Texas, for the Little Walnut/Buttermilk - North/Capital Project portion of the Austin Clean Water Program, generally known as 408 East Rundberg Lane, in the City of Austin, Travis County, Texas, owned by Pepperwood, Inc., in the amount of \$8,956, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-038 was approved.**
39. Approve a resolution amending Resolution No. 040422-9 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 0.265 acre permanent wastewater line easement, a 0.043 acre temporary working space easement, a 0.349 acre temporary ingress and egress easement, and a 0.251 acre temporary staging area and material storage site easement out of a Lot 1, Capital City Section One, a subdivision in the City of Austin, for the Little Walnut/Buttermilk - Quail Creek portion of the Austin Clean Water Program, generally known as 8912 North Lamar Boulevard, in the City of Austin, Travis County, Texas, owned by Wildflower

Associates, a Texas General Partnership, in the amount of \$45,441, because the parties have been unable to agree on an appropriate purchase price.

**Resolution No. 20050623-039 was approved.**

40. Approve a resolution amending Resolution No. 040226-14 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 3,845 square foot permanent wastewater line easement and a 4,003 square foot temporary working space easement out of Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin and a 4,906 square foot temporary working space easement out of Lot 15, Block A and Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin, Texas, for the Little Walnut/Buttermilk - Colony Creek North portion of the Austin Clean Water Program, generally located on West Rundberg Lane, in the City of Austin, Travis County, Texas, owned by Villas on Walnut Creek Association, an unincorporated Homeowner's Association, in the amount of \$8,008, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-040 was approved.**
41. Approve a resolution amending Resolution No. 040415-13 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a 600 square foot temporary ingress and egress easement and a 1,194 square foot temporary staging area and material storage site easement out of Lot 10, of the CDN Addition No. 2, James P. Wallace Survey, in the City of Austin, Travis County, for the Upper Tannehill - Broadmoor and Cameron portion of the Austin Clean Water Program, generally known as 1206 East 52<sup>nd</sup> Street, in the City of Austin, Travis County, Texas, owned by Westheimer Trace, L.P., a Texas Limited Partnership, in the amount of \$1,426, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-041 was approved.**
42. Approve a resolution amending Resolution No. 020822-33 to clarify the City Council's statement of public purpose related to the Del Valle Water and Wastewater Annexation Project for the acquisition by eminent domain of the fee simple interest in a permanent wastewater easement containing 781 square feet of land and a temporary workspace easement containing 781 square feet of land out of Lot 3, Block 1, A. L. Royster Addition, Travis County, Texas, generally known as 3155 Highway 71 East, Travis County, Texas, owned by Almetra Harrell, Ethel Lee Anderson, Ronnie Louis White, Lloyd White, Jr., Douglas Wayne White, Jacqueline Sandra Bunton, and Lois Faye Killingsworth, in the amount of \$1,175, because the parties have been unable to agree on an appropriate purchase price.  
**This item was withdrawn.**
43. Approve a resolution amending Resolution No. 981210-21 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of the fee simple interest in 4,883 and 9,122 square feet of land, out of the James M. Mitchell Survey No. 17, Abstract No. 521, and the James Coleman Survey No. 25, Abstract 169, generally located at 0 Spicewood Springs Road, between Mesa Drive and Loop 360, in the City of Austin, Travis County, Texas, owned by Joseph Binford and Richard Haberman, Trustees, as part of the Spicewood Springs Road right-of-way widening, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-043 was approved.**
44. Approve a resolution amending Resolution No. 991104-27 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of the fee simple interest in Lot 5, Town and Country Village Addition, Section 4, Phase 1, Williamson County, Texas, generally located 750 feet west of Highway 183 North on the north side of Spicewood Springs Road, in Northwest Austin, Williamson County, Texas, owned by Nieman Properties, for the Spicewood



Springs Library Expansion, because the parties have been unable to agree on an appropriate purchase price.

**Resolution No. 20050623-044 was approved.**

45. Approve a resolution amending Resolution No. 020718-59 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater easement containing 1,281.56 square feet, more or less, out of Lot 2 and Lot 3, Block A, Schmidt Resubdivision, generally known as 10623 Research Boulevard, in the City of Austin, Travis County, Texas, owned by Schmidt Investments, Ltd., in the amount of \$13,461, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-045 was approved.**
46. Approve a resolution amending Resolution No. 020718-58 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 2,069 square feet, out of Lot 1, T.M.H.A. Subdivision, generally known as 2215 East Anderson Lane, in the City of Austin, Travis County, Texas, owned by Texas Manufactured Housing Association, as part of the U.S. 183-Cameron to U.S. 290 Utility Relocation Project, because the parties have been unable to agree on an appropriate purchase price.  
**Resolution No. 20050623-046 was approved.**
47. Approve a resolution amending Resolution No. 030515-6 to clarify the City Council's statement of public purpose related to the Del Valle Water and Wastewater Annexation Project, and acquisition by eminent domain of a permanent wastewater line easement containing 775 square feet of land and a temporary workspace easement containing 776 square feet of land out of Lot 4, Block 1, A.L. Royster Addition, Travis County, Texas, generally located on Royster Avenue, in Travis County, Texas, owned by Mr. and Mrs. Nealie Walker, because the parties have been unable to agree on an appropriate purchase price. (NA)  
**This item was withdrawn.**
48. Approve a resolution amending Resolution No. 020822-34 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater line easement containing 780 square feet of land and a temporary work space easement containing 781 square feet of land out of Lot 1, Block 1, Davidson City Addition, Travis County, Texas, generally known as 3161 Highway 71 East, in Travis County, Texas, owned by Ethel White a/k/a Ethel Walker, for the Del Valle Water and Wastewater Annexation Project, in the amount of \$1,171, because the parties have been unable to agree on an appropriate purchase price.  
**This item was withdrawn.**
49. Approve a resolution amending Resolution No. 020822-32 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent easement containing 783 square feet of land and a temporary work space easement containing 627 square feet of land out of Lot 2, Block 1, A.L. Royster Addition, Travis County, Texas, generally known as 3157 Highway 71 East, in Travis County, Texas for the Del Valle Water and Wastewater Annexation Project, owned by Lloyd White and Ethel White, in the amount of \$1,116, because the parties have been unable to agree on an appropriate purchase price.  
**This item was withdrawn.**
50. Approve the appointment of Lee Leffingwell and Jennifer Kim, and the re-appointment of Betty Dunkerley as Directors of the Austin Housing Finance Corporation for terms expiring on the earlier to occur of the date the officer is no longer a member of the Austin City Council, or June 15, 2008.

**The motion authorizing the appointment of Lee Leffingwell and Jennifer Kim and the re-appointment of Betty Dunkerley as Directors of the Austin Housing Finance Corporation was approved.**

51. Approve the negotiation and execution of a loan to Brenda and Billy McGowan d.b.a. Mrs. B's Cajun and Creole Restaurant, Austin, Texas, in compliance with applied federal requirements, including Code of Federal Regulations, Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$250,000 to construct leasehold improvements and purchase of fixtures necessary to outfit the restaurant to be located at 1050 East 11<sup>th</sup> Street. Loan is subject to completion of the federal environmental assessment and fund release process. (\$100,000 of funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - East 11th and 12th Street Section 108, and \$150,000 of funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108.)  
**The motion authorizing the negotiation and execution of a loan was approved.**
52. Approve the negotiation and execution of a loan to Regina McCullen, d.b.a. Baby Boomers Academy, Austin, TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$59,680 for the purpose of expanding a preschool academy located at 12129 FM Road 620, Austin, Texas, subject to completion of the federal environmental assessment process. (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Section 108.)  
**The motion authorizing the negotiation and execution of a loan was approved.**
53. Approve second/third readings of an ordinance to annex the Goodnight Ranch for the limited purposes of planning and zoning (approximately 714 acres in southeastern Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 54)  
**Ordinance No. 20050623-053 was approved.**
54. Adopt an ordinance approving a regulatory plan for the Goodnight Ranch, which is being annexed for limited purposes of planning and zoning. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 53)  
**Ordinance No. 20050623-054 was approved.**
55. Approve first reading of an ordinance to annex the Watersedge Area for the limited purposes of planning and zoning (approximately 418 acres in Travis County east of the Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 56)  
**The first reading of the ordinance was approved.**
56. Adopt first reading of an ordinance approving a regulatory plan for the Watersedge area, which is being annexed for limited purposes of planning and zoning. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 55)  
**The first reading of the ordinance was approved.**

57. Approve a resolution consenting to the annexation of approximately 21.5 acres into the River Place Municipal Utility District (MUD). (Recommended by Water and Wastewater Commission and Planning Commission.)  
**Resolution No. 20050623-057 was approved.**
58. Approve an ordinance to annex the Harris Branch S.M.A.R.T. Housing Area for full purposes (approximately 21 acres in Travis County at the northeast corner of the intersection of Dessau Road and Parmer Lane) and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 20050623-058 was approved.**
59. Authorize negotiation and execution of an agreement with SOVEREIGN BANK, N.A., for the reimbursement of streetscape improvement costs for the project located at 600 West 5th Street under the Great Streets Development Program, in an amount not to exceed \$98,172. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Neighborhood Planning and Zoning Department from Great Streets Parking Meter Revenue.)  
**The motion authorizing the negotiation and execution of an agreement was approved.**
60. Approve an ordinance waiving certain code provisions relating to diving, jumping and swimming in Town Lake and establishing necessary safeguards allowing independent filmmaker, Storie Productions, to film "Jumping off of Bridges" between July 2005 and August of 2005.  
**Ordinance No. 20050623-060 was approved.**
61. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, to acquire a 15,397 square foot permanent wastewater line easement, an 11,748 square foot permanent access easement, an 18,183 square foot temporary working space easement, and a 20,000 square foot temporary staging area and material storage site easement out of the Santiago Del Valle Grant, Abstract 24, City of Austin, Travis County, Texas, in the amount of \$43,700. The owner of the property interests sought to be condemned is Leigh Acres, Ltd., a Texas Limited Partnership. The property is located south of Ben White Boulevard and east of Montopolis Drive, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-061 was approved.**
62. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper West Waller Sanitary Sewer Overflow Project, a portion of the Austin Clean Water Program, to acquire a 1,646 square foot permanent wastewater line easement and a 1,193 square foot temporary working space easement out of Lot 3, Annie Gaffney Addition Number Three, a Subdivision in the City of Austin, in the amount of \$20,006. The owner of the property interests sought to be condemned is Medical Science Center Parking, Inc., a Texas Corporation. The property is located at 3507 West Avenue, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-062 was approved.**

63. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 2,256 square foot temporary working space easement out of Lot 60, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,392. The owners of the property interest sought to be condemned is Michael R. Hemer and Carolyn Blasdale, of Austin, Texas. The property is located at 2400 White Horse Trail, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-063 was approved.**
64. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire an 833 square foot permanent wastewater line easement and a 1,423 square foot temporary working space easement out of Lot 61, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,248. The owner of the property interests sought to be condemned is Kathleen McComb, of Austin, Texas. The property is located at 2402 White Horse Trail, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-064 was approved.**
65. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 400 square foot permanent wastewater line easement and a 799 square foot temporary working space easement out of Lot 40, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$3,430. The owner of the property interests sought to be condemned is The Lena Crawford Johnston Living Trust. The property is located at 6201 Bull Creek Road, Austin, Travis County, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-065 was approved.**
66. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 400 square foot permanent wastewater line easement and an 800 square foot temporary working space easement out of Lot 41, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$3,430. The owner of the property interests sought to be condemned is The Lena Crawford Johnston Living Trust. The property is located at 6203 Bull Creek Road, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-066 was approved.**
67. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 431 square foot permanent wastewater line easement and a 663 square foot temporary working space easement out of Lot 39, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$3,161. The owner of the property interests sought to be condemned is Lorna B. LaRue, of Austin, Texas. The property is located at 6107 Bull Creek Road, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-067 was approved.**

68. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 549 square foot permanent wastewater line easement and a 1,079 square foot temporary working space easement out of Lot 36, Allandale Section Three, a subdivision in the City of Austin, in the amount of \$4,731. The owners of the property interests sought to be condemned are Mark R. Price and Anne K. Hansen, of Austin, Texas. The property is located at 6101 Bull Creek Road, Austin, Travis County, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-068 was approved.**
69. Approve a resolution authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 334 square foot permanent wastewater line easement and a 586 square foot temporary working space easement out of Lot 37, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$2,611. The owner of the property interests sought to be condemned is Nancy Marie Edwards, of Austin, Texas. The property is located at 6103 Bull Creek Road, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-069 was approved.**
70. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk North/Capital Drive Project, a portion Austin Clean Water Program, to acquire a 681 square foot permanent wastewater line easement, a 279 square foot temporary working space easement, and a 4,256 square foot temporary staging area and material storage site easement out of the William Wilks Survey No. 82, Travis County, and a 75,461 square foot permanent access easement out of the William Wilks Survey No. 82, and The John Applegate Survey No. 58, in Travis County, in the amount of \$21,142. The owner of the property interests sought to be condemned is Stonegate MHC, L.P., a Delaware limited partnership. The property is located at 1401 East Rundberg Lane, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-070 was approved.**
71. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk/North Capital Drive Project, a portion of the Austin Clean Water Program, to acquire a 3,453 square foot permanent wastewater line easement, a 1,342 square foot temporary working space easement, and a 4,168 square foot temporary staging area and material storage site easement out of a portion of Lots 1 and 2, Courtlandt Place III, a Subdivision in the City of Austin, in the amount of \$22,100. The owner of the property interests sought to be condemned is Austin Park Plaza, LLC, an Oregon Limited Liability Company. The property is located at 829 Park Plaza, Austin, Travis County, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**Resolution No. 20050623-071 was approved.**
72. Approve a resolution authorizing the filing of eminent domain proceedings for the East 11th Streetscaping Project to acquire a 585 square foot permanent sidewalk easement out of a part of the southeast portion of Lot 1, Outlot No. 55 Division "B", made for George L. Robertson, a subdivision in the City of Austin, Travis County, Texas, in the amount of \$47,800. The owner of the property interests sought to be condemned is Deborah Attal, of Austin, Texas. The property is located at 904 East 11th St., Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department.)  
**Resolution No. 20050623-072 was approved.**

73. Approve a resolution to authorize the fee simple acquisition of Lot 5, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5506 Vine Hill; from James L. and Vicky M. King for the Onion Creek Flood Buyout Program, in the amount of \$62,000, for the land and improvements and \$22,500 for the owner's assisted relocation benefits, plus moving related expenses not to exceed \$20,000, for a total not to exceed \$104,500. (Funding in the amount of \$104,500 is included in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.) **Resolution No. 20050623-073 was approved.**
74. Approve an ordinance vacating approximately 59 square feet of right-of-way along the west side of the 100 block of Guadalupe Street at the intersection of West 2<sup>nd</sup> Street and adjoining 401 West 2<sup>nd</sup> Street to the City of Austin to clear the encroachment of the historic City-owned Schneider Store Building into the right-of-way. (Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.) **Ordinance No. 20050623-074 was approved.**
75. Authorize the execution of a construction contract with STEWART-MATL, LTD., Austin, TX, for the Austin-Bergstrom International Airport Elevator and Escalator Improvements project in the amount of \$4,411,000 plus a \$441,100 contingency, for a total contract amount not to exceed \$4,852,100. (Funding in the amount of \$4,852,100 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Aviation Department.) Lowest bid of three received. 3.09% DBE subcontractor participation. (Approved by the Austin Airport Advisory Commission) **The motion authorizing the execution of a construction contract was approved.**
76. Authorize execution of a construction contract with OSCAR RENDA CONTRACTING, Roanoke, TX, for the Austin Clean Water Program: Little Walnut Creek - Buttermilk and North/Capitol Drive Easement wastewater construction in the amount of \$9,279,792 plus a \$463,989.60 contingency, for a total contract amount not to exceed \$9,743,781.60. (Funding in the amount of \$9,743,781.60 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 12.48% MBE and 7.56% WBE subcontractor participation. **The motion authorizing the execution of a construction contract was approved.**

**Item 77 was pulled for discussion.**

78. Ratify change order # 7 to the construction contract with TEXAS ROAD AND UTILITIES, INC., Buda, TX (WBE 67.90%) for the removal and replacement of 300 linear feet of wastewater line and paving repairs to a driveway for the Austin Clean Water Program: Westgate Area Wastewater Improvements Project in the amount of \$140,000, for a total contract amount not to exceed \$2,236,951.13. (Funding in the amount of \$140,000 is available in the Fiscal Year 2005-2006 Capital Budget of Austin Water Utility.) 13.50% MBE and 0.00% WBE subcontractor participation to date. **The motion authorizing change order #7 to the construction contract was approved.**

79. Authorize negotiation and execution of an amendment to the professional services agreement with AGUIRRE CORPORATION, Austin, TX, for architectural or engineering services for construction administration and warranty phase services on Austin-Bergstrom International Airport Elevator and Escalator Improvements Project in the amount of \$149,125, for a total contract amount not to exceed \$690,048.81. (Funding in the amount of \$149,125 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Aviation Department.) 18.46% DBE Sub consultant participation to date. (Approved by the Austin Airport Advisory Commission)  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**

**Item 80 was pulled for discussion.**

81. Authorize extending the duration of the authority of the professional services agreement with the following nine firms; HVJ ASSOCIATES, INC. (MBE/MB), Austin, TX; KLOTZ ASSOCIATES, Austin, TX; DANNENBAUM ENGINEERING CORPORATION, Austin, TX; MARTINEZ, WRIGHT & MENDEZ (MBE/MH) Austin, TX; BAKER-AICKLEN & ASSOCIATES, INC., Austin, TX; HNTB, Austin, TX; OTHON, INC., (MBE/MH), Houston, TX; LOCKWOOD, ANDREWS & NEWNAM, Houston, TX; and LOC CONSULTING ENGINEERS, INC., (MBE/MB) Austin, TX, for professional engineering consulting services for performing preliminary and engineering design of street reconstruction projects as part of the 1998 Street Reconstruction Bond Program in the amount of \$10,422,172. This action extends the duration of the authority of the professional services agreements until the original dollar authority is expended, not to exceed two years, for a total contract amount not to exceed \$10,422,172. 33.22% MBE and 13.77% WBE subconsultant participation goals to date.  
**The motion authorizing extending the duration of the authority of the professional services agreement was approved.**
82. Approve an ordinance amending Section 12-4-41 of the City Code to delete Avery Ranch Boulevard from 1,500 feet west of Parmer Lane (F.M. 734) to Quarry Oaks Trail from the list of streets having a maximum speed limit of 35 miles per hour; and amending Section 12-4-42 to extend the 40 miles per hour speed limit on Avery Ranch Boulevard from 1,500 feet west of Parmer Lane (F.M. 734) to 150 feet west of Staked Plains Drive, to create a consistent 40 mph speed zone for the length of Avery Ranch Boulevard west of Parmer Lane. (Funding in the amount of \$850 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department for the installation of the appropriate speed limit signs.)  
**Ordinance No. 20050623-082 was approved.**
83. Approve the use of an alternative procurement process and evaluation criteria known as Energy Savings Performance Contracting to select an Energy Service Company (ESCO) to perform an Energy Savings Performance Contract and reduce energy consumption and/or operating costs of various City of Austin facilities; and authorization to secure a low interest loan through the LoanSTAR (Saving Taxes And Resources) Loan Program in an amount not to exceed \$5,000,000. (Money saved as a result of the new-energy-efficient technologies is used to offset the cost of financing, installing and operating the technology, and the estimated savings are guaranteed to offset the implementation costs over a predetermined time period.)  
**The motion authorizing the use of an alternative procurement process and evaluation criteria was approved.**

84. Approve a resolution authorizing the exercise by the City of Austin of the easement and use rights granted in the plat of Bello Vista Subdivision, recorded in Volume 76, Page 150, of the Travis County Plat Records on January 31, 1978, for the Govalle 5-Taylor Slough South Wastewater Improvements Project, a portion of the Austin Clean Water Program, to use the Common Area, Lot 43 of Bello Vista, for the governmental purpose of wastewater line improvements, including the use of vehicles and machinery necessary to install the wastewater line improvements. The owner of the property upon which these rights have been granted is BELLO VISTA HOMEOWNER'S ASSOCIATION. The property is located between the west end of Reed Park and Scenic Drive.  
**Resolution No. 20050623-084 was approved.**

**Items 85, 86, and 87 were pulled for discussion.**

88. Authorize execution of a 12-month supply agreement with PIERCE PUMP CO., Dallas TX, for repair parts for Robbins & Myers Progressive Cavity Pumps for the Austin Water Utility in an amount not to exceed \$50,000, with two 12-month options in an amount of \$50,000 per extension option, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$12,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
89. Authorize execution of a contract with INTERNATIONAL INSTITUTE OF LEARNING, New York, NY, for project management training for Austin Energy in an amount not to exceed \$60,750. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) Critical Business Need. This contract will be awarded in compliance with M/WBE Ordinance. No subcontracting opportunities were identified; therefore, M/WBE goals were not established for this purchase. This contract is for the purchase of training services provided by the manufacturer.  
**The motion authorizing the execution of a contract was approved.**
90. Authorize execution of a 12-month service agreement with AUSTIN SALES & SCAFFOLD, Austin, TX; BASIC INDUSTRIES OF SOUTH TEXAS, San Antonio, TX; and UNITED SCAFFOLD, Burleson, TX, for scaffolding services in an amount not to exceed \$100,000, with three 12-month extension options in an amount not to exceed \$100,000 per extension option, for a combined total agreement amount not to exceed \$400,000. (Funding in the amount of \$25,000 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest three bids of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**



91. Authorize execution of a 12-month service agreement with TEXAS UTILITY INSPECTION SERVICES, San Antonio, TX, for wood pole inspection and treatment in an amount not to exceed \$149,573.50, with three 12 -month extension options in an amount not to exceed \$149,573.50 per extension option, for a total agreement amount not to exceed \$598,294. (Funding in the amount of \$37,393.37 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. This contract is for the purchase of services performed by the Contractor.  
**The motion authorizing the execution of a service agreement was approved.**
92. Authorize execution of Amendment No. 1 to the service agreement for natural gas transportation with ATMOS PIPELINE AND STORAGE LLC, Dallas, TX to extend the agreement an additional five years to January 1, 2011, in an amount not to exceed \$5,025,000, for a revised contract amount of \$11,325,000. (Funding will be provided through Electric fuel charge revenue.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise procurement Program). No subcontracting opportunities were identified, therefore, no locals were established for this solicitation.  
**The motion authorizing the execution of Amendment No. 1 to the service agreement was approved.**
93. Authorize an amendment to the contract with DOWNTOWN AUSTIN ALLIANCE, Austin, Texas, for the management of the Downtown Public Improvement District, to increase the 2005-2006 contract in an amount not to exceed \$219,049, with the total agreement amount not to exceed \$1,446,658. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of the Economic Growth and Redevelopment Services Office Special Revenue Fund) 14% MBE and 12% WBE subcontractor participation to date. (Related Item 12)  
**The motion authorizing an amendment to the contract was approved.**

**Item 94 was pulled for discussion.**

95. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission with BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, INC., Edgewater, FL, for the purchase of a patrol and rescue boat for the Park Police in an amount not to exceed \$95,399. (Funding in the amount of \$95,399 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund of the Financial and Administrative Services Department.) Purchase Cooperative.  
**The motion authorizing the execution of a contract was approved.**
96. Authorize execution of Amendment No. 2 to the contract with INSIGHTFUL CORP., Seattle, WA, for the purchase of advanced statistical/graphical software package, consulting services, and training for the Austin Police Department in an amount not to exceed \$120,000, for a total contract amount not to exceed \$164,590. (Funding in the amount of \$120,000 is available in the Fiscal Year 2004-2005 Approved Special Revenue Funds Budget of the Austin Police Department from the Department of Justice, Bureau of Justice Affairs, Local Law Enforcement Block Grant program.) Sole Source.  
**The motion authorizing the execution of Amendment No. 2 was approved.**

97. Authorize execution of a 12-month service agreement with A&R DEMOLITION, INC., Del Valle, TX, and STATEWIDE COMMERCIAL, INC., Austin, TX, for demolition services in support of the Noise Mitigation Program at Austin-Bergstrom International Airport for the Public Works Department in an amount not to exceed \$229,500, with three 12-month extension options in an amount not to exceed \$229,500 per extension option, for a combined total agreement amount not to exceed \$918,000. (Funding in the amount of \$229,500 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bids of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a service agreement was approved.**

98. Authorize execution of a 12-month supply agreement with WESTONE OIL, INC., Austin, TX, for ready mix concrete for the Public Works Department in an amount not to exceed \$294,487.25, with two 12-month extension option in an amount not to exceed \$294,487.25, for a total agreement amount not to exceed \$883,461.75. (Funding in the amount of \$73,622 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a supply agreement was approved.**

99. Authorize execution of a 12-month supply agreement with TRANS AMERICAN POWER PRODUCTS, INC., Houston, TX, for steel poles and mast arms for the Public Works Department in an amount not to exceed \$264,709, with two 12-month extension options in an amount not to exceed \$264,709 per extension option, for a total agreement amount not to exceed \$794,127. (Funding in the amount of \$66,177.25 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a supply agreement was approved.**

100. Authorize execution of a 12-month supply agreement with U.S. TRAFFIC CORPORATION, Santa Fe Springs, CA, for forty traffic signal cabinets (Type 170, Model 332) in an amount not to exceed \$203,920, with two 12-month extension options in an amount not to exceed \$203,920 per extension option, for a total contract amount not to exceed \$611,760. (Funding in the amount of \$50,980 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a supply agreement was approved.**

101. Authorize execution of a 12-month supply agreement with MOTOROLA, INC., Schaumburg, IL, for Motorola two-way radio parts and accessories in an amount not to exceed \$140,000, with two 12-month extension options in an amount not to exceed \$140,000, for a total agreement amount not to exceed \$420,000. (Funding in the amount of \$35,000 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Wireless Communications Services Office. Funding for the remaining nine months of the original contract period and extension option is contingent upon available funding in future budgets.) The lowest bid of five bids received. This contract will be awarded in compliance with the Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
102. Authorize execution of a 12-month supply agreement with TESSCO, INC., Hunt Valley, MD for two-way radio parts and accessories in an amount not to exceed \$75,000, with four 12-month extension options in an amount not to exceed \$75,000 for a total agreement amount not to exceed \$375,000. (Funding in the amount of \$25,000 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Wireless Communications Services Office. Funding for the remaining eight months of the original contract period and extension option is contingent upon available funding in future budgets.) The lowest bid of three bids received. This contract will be awarded in compliance with the Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
103. Approve negotiation and execution of an Interlocal Agreement with Austin Independent School District (AISD) for the provision of transportation services for students participating in the Earth Camp program for the Fiscal Year 2005-2006 in an estimated amount of \$11,000; and to include two (2) additional one-year extension options for Fiscal Year 2006-2007 for \$11,550 and Fiscal Year 2007-2008 for \$12,128, for a total contract not to exceed \$34,678. (Funding in the amount of \$11,000 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Watershed Protection and Development Review Department. This is contingent on approval of the Fiscal Year 2005-2006 budget and the availability of funding in future budgets.)  
**This item was postponed to July 28, 2005.**
104. Authorize the negotiation and execution of a Memorandum of Agreement with the United States Environmental Protection Agency (EPA) for a \$200,000 Brownfields Assessment Community-Wide Petroleum grant. (Funding in the amount of \$200,000 from the U.S. Environmental Protection Agency over two years beginning in Fiscal Year 2006-2007 to be appropriated in the Fiscal Year 2005-2006 Operating Budget of the Watershed Protection and Development Review Department.)  
**The motion authorizing the negotiation and execution of a Memorandum of Agreement was approved.**
105. Board and Commission appointments.  
**The following appointments were made:**

**Board/  
Appointee**

**Consensus/  
Council Nominee**

**Appointment/  
Reappointment**

**Building and Standards Commission**

Decker Ayers

Consensus

Reappointment

Howard Lenett (Alternate)

Consensus

Reappointment

Child Care Council

Albert Black

Consensus

Appointment

Design Commission

Joan Hyde

Council Member Dunkerley's

Reappointment

Environmental Board

David Anderson

Mayor Wynn's

Reappointment

William Curra

Council Member McCracken's

Reappointment

Timothy Riley

Consensus

Reappointment

Ethics Review Commission

Jose de la Fuente

Council Member McCracken's

Reappointment

Mechanical, Plumbing and Solar Board

William Harris, Jr.

Consensus

Reappointment

Parks and Recreation Board

Clint Small

Mayor Wynn's

Reappointment

Planning Commission

Jay Reddy

Council Member Dunkerley's

Reappointment

Chris Riley

Council Member McCracken's

Reappointment

Resource Management Commission

Adan Martinez

Council Member Dunkerley's

Reappointment

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

Rick Krivoniak

Consensus

Reappointment

Larry McKee

Consensus

Reappointment

Jim Walker

Consensus

Reappointment

Saltillo District Redevelopment Project Community Advisory Group

John Limon

Consensus

Reappointment

Solid Waste Advisory Commission

Lark Anthony

Consensus

Reappointment

Telecommunications Commission

James Howerton

Mayor Wynn's

Reappointment

Wendall Ramsey

Council Member McCracken's

Reappointment

Urban Forestry Board

Howie Richey

Council Member McCracken's

Appointment

Urban Renewal Board

Edward McGarrahan

Mayor Wynn's

Reappointment

Ben Sifuentes

Mayor Wynn's

Reappointment

Zoning and Platting Commission

Keith Jackson

Council Member McCracken's

Reappointment

**Item 106 was pulled for discussion.**

107. Approve a resolution directing the City Manager to determine the feasibility of establishing separate collections and repayment procedures for utility debt owed by participants in the Basic Needs Services Coalition of Central Texas's Best Single Source Project. (Council Member Raul Alvarez, Council Member Brewster McCracken and Council Member Leffingwell)  
**Resolution No. 20050623-107 was approved.**

108. Approve a resolution directing the City Manager to determine the feasibility of using destination parkland funds to establish a disc golf course on the destination parkland tract referred to as "Solo Star." (Council Member Raul Alvarez, Council Member Brewster McCracken and Council Member Lee Leffingwell)  
**Resolution No. 20050623-108 was approved.**

109. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the Code for 3M's Half Marathon and Relay to be held on January 29, 2006. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
**Ordinance No. 20050623-109 was approved.**

110. Set a public hearing to approve a 0.872 acre (37,969 square feet) wastewater line along with a 0.377 acre (16,425 square feet) temporary working space and 0.408 acre (17,786 square feet) temporary staging area and material storage site for the construction of a wastewater line through dedicated parkland known as Reed Park located on Pecos Street in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: July 28, 2005 at 6:00 p.m.) (All costs associated with the line, as well as any parkland restoration will be paid by the Austin Clean Water Program on behalf of the Austin Water Utility and the Department of Public Works.) (Recommended by the Parks Board.)  
**The public hearing was set for July 28, 2005 at 6:00 p.m.**

111. Set a public hearing to approve use of a 20 foot wide (0.53 acres or 22,903 square feet) strip for construction of a wastewater line through dedicated Balcones Canyonland Preserve (BCP) known as Double J & T located off of F.M. 620 on Murfin Road in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: July 28, 2005 at 6:00 p.m.) (All costs associated with the line, as well as any preserve restoration will be paid by Travis County Water Control and Improvement District No. 17.) (Recommended by BCP Coordinating Committee.)  
**The public hearing was set for July 28, 2005 at 6:00 p.m.**

**Items 112 through 118 were Executive Session items.**

**Item 119 was action on an Executive Session item.**

**Items 120 through 122 were bond sales set for a time certain of 2:00 p.m.**

**Items 123 through 124 were briefings set for a time certain of 2:00 p.m.**

**Items AHFC-1 and AHFC-2 were set for a time certain of 3:00 p.m.**

**Items 125 through 133 and Z-1 through Z-18 were zoning items set for 4:00 p.m.**

**Items 134 through 135 were public hearings set for 6:00 p.m.**

Item 136 was a public hearing set for 6:30 p.m.

137. Approve an ordinance waiving various fees and charges, including permit fees, in an amount not to exceed \$15,000 for related improvements for Pioneer Farms, located at 11418 Sprinkle Cut-Off Road. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Brewster McCracken)  
**Ordinance No. 20050623-137 was approved.**
138. Approve waiver of fees under Chapter 14-8 of the Code for the Austin Symphony's Fourth of July Event, to be held on July 4, 2005 at Zilker Park. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Brewster McCracken)  
**The motion authorizing the waiver of fees was approved.**

### **DISCUSSION ITEMS**

3. Adopt the amendment to the infrastructure corridor approved by the Balcones Canyonlands Conservation Plan (BCCP) Coordinating Committee of a 70 foot expansion of an existing 100 foot infrastructure corridor located in Barton Creek Wilderness Park for a total of 170 feet. (Recommended by Water and Wastewater Commission; reviewed by the Parks and Recreation Board, and the BCCP Coordinating Committee.) (Related Item 4)  
**The motion authorizing the amendment to the infrastructure corridor with direction to staff to incorporate the six recommendations from the Environmental Board was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.**
4. Authorize the negotiation and execution of a license agreement with Lower Colorado River Authority (LCRA) to allow a 70 foot aerial expansion of an existing 100 foot infrastructure corridor located in Barton Creek Wilderness Park for a total 170 feet infrastructure corridor. (Revenue in the amount of \$32,500 to be paid to the Parks and Recreation for the granting of this License Agreement.) (Recommended by Water and Wastewater Commission; reviewed by the Parks and Recreation Board and the BCCP Coordinating Committee.) (Related Item 3)  
**The motion authorizing the negotiation and execution of a license agreement with direction to staff to incorporate the six recommendations from the Environmental Board was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.**
9. Ratify execution of a construction contract with KEY ENTERPRISES, INC, Austin, TX, for construction of the Spicewood Parkway 8-inch Emergency Wastewater Replacement project in the amount of \$453,755.57. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)  
**The motion authorizing the execution of a construction contract was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

19. Approve an ordinance amending the Fiscal Year 2004-2005 General Fund of Ordinance No. 040913-01, to decrease the Ending Balance by \$844,000 and increase the Transfer Out to CIP in the amount of \$844,000; amending the Fiscal Year 2004-2005 Financial Services Department Capital Budget of Ordinance No. 040913-02 by transferring \$159,315 to the Health and Human Services Capital Budget; amending the Fiscal Year 2004-2005 Health and Human Services Department Capital Budget of Ordinance No. 040913-02, to appropriate \$1,003,315 for the HHSD Campus Phase II Renovations. (Funding in the amount of \$844,000 is available in the Fiscal Year 2004-2005 General Fund Ending Balance and funding in the amount of \$159,315 is available in the Fiscal Year 2004-2005 CIP Contingency.) (Related Item 77)  
**Ordinance No. 20050623-019 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
77. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for Health and Human Services Department (HHSD) Phase II - Building 614 Renovations for the Administrative offices of the HHSD in the amount of \$1,003,392 plus a \$50,000 contingency, for a total contract amount not to exceed \$1,053,392. (Funding in the amount of \$1,053,392 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Health and Human Services Department.) Lowest bid of five bids received. 9.01% MBE and 18.93% WBE subcontractor participation. (Related Item 19)  
**The motion authorizing the execution of a construction contract was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
80. Authorize negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC., Austin, TX, for additional preliminary engineering services for the extension of the existing James D. Pfluger Pedestrian Bridge, in the amount of \$183,616 for a total contract amount not to exceed \$540,342. (Funding in the amount of \$183,616 is available in the Fiscal Year 2004-2005 Capital Budget of the Economic Growth and Redevelopment Services Department.) 10.81% MBE and 5.24% WBE subconsultant participation to date.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**
94. Authorize negotiation and execution of a 12-month service agreement with CENTRAL PARKING SYSTEM, Austin, TX, for the management and operation of the IH-35 parking lots for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$72,280, with two 12-month extension options in an amount not to exceed \$72,280 per extension option, for a total agreement amount not to exceed \$216,840. (Funding in the amount of \$24,093 is available in the Fiscal Year 2004-2005 Approved IH-35 Fund of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**This item was postponed to July 28, 2005 with direction to staff to perform further analysis and interviews with those responding to the RFQ on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

**Mayor Wynn recessed the Council meeting to go into Executive Session at 11:51 a.m.**

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

**Private Consultation with Attorney - Section 551.071**

Items 112 through 114 were discussed later in Executive Session.

115. Discuss legal issues in *Walter Sessions, et al, et al. v. Rick Perry*, in his Official Capacity as Governor of the State of Texas, et al., Cause No. 2:03CV354, in the United States District Court of the Eastern District of Texas -- Marshall Division. (concerns congressional redistricting)

Items 116 through 118 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:25 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

Erica Gonzales

Ana Villalobos - Save Our Youth! Increase Parks & Recreation Budget

Magali Fernandez - Save Our Youth! Increase Parks & Recreation Budget

Librado Almanza - Restore parks and recreation budget for youth programs.

Roxanne Campos - Save Our Youth! Increase Parks and Recreation Budget!

Leslie Serrano - Restore Parks and Recreation Budget for Youth Programs

Elizabeth Rincon - Restore Parks & Recreation Budget for Youth Programs. She was not present.

Susana Almanza - We need Low-Income and Affordable Housing. Stop eviction of low-income people

Jimmy Castro - City of Austin Budget

Marcos De Leon - I support El Councilio's expenditure recommendation of the Holly Mitigation Funds go to home improvement for Senior Citizens and handicap homeowners adjacent to the Holly Power Plant

Paul Hernandez - I support El Councilio's expenditure recommendation of the holly mitigation funds go to home improvements or re-placement for senior citizens and handicap homeowners adjacent to the holly power plant.

Laurence Cranberg, Ph.D-Cost/effectiveness of the APD



**EXECUTIVE SESSION CONTINUED**

**The Mayor announced that Council would discuss Items 85, 86 and 87 on the regular agenda during Executive Session.**

112. Discuss legal issues in Cause No. GN201624; *Jeff White v. City of Austin*; 126<sup>th</sup> Judicial District; Travis County, Texas (concerns alleged retaliation against Austin Police Department Officer) (Related Item 21)  
**This item was withdrawn.**
114. Discuss legal issues regarding pending applications for water rights before the Texas Commission on Environmental Quality (TCEQ) involving the Colorado River and the Lower Colorado River Authority (LCRA), the five-year revisions to the Region "K" Water Supply Plan, and the legal and consulting services agreements with Bracewell & Giuliani (formerly Bracewell & Patterson). (Related Item 22)

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:20 p.m.**

**Bond Sales**

120. Approve an ordinance authorizing a refunding agreement related to the issuance of approximately \$120,500,000 in City of Austin, Texas, Hotel Occupancy Tax Variable Rate Revenue Refunding Bonds, Series 2005; providing for payments through a subordinate lien pledge of both the 2% and 4.5% hotel occupancy tax proceeds; establishing funds and accounts related to the payment of the rate refunding agreement; authorizing the necessary enactment provisions incident and necessary to the agreement, and establishing an effective date. (No fiscal impact during Fiscal Year 2004-2005.) (Related Items 121, 122)  
**This item was withdrawn.**
121. Approve amendments to the Hotel Occupancy Tax Refunding ordinances, updating the language in the current ordinances to incorporate customary provisions for interest rate swaps and variable rate obligations. (Related Items 120, 122)  
**Ordinance No. 20050623-121 was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Alvarez was off the dais.**
122. Approve an ordinance authorizing the issuance of approximately \$120,500,000 in City of Austin, Texas, Hotel Occupancy Tax Variable Rate Revenue Refunding Bonds, Series 2005; authorizing a refunding agreement; providing for payments of subordinate lien pledge of both the 2% and 4.5% hotel occupancy tax; establishing funds and accounts related to the payment of the rate of refunding agreement; authorizing the necessary enactment provisions incident and necessary to the agreement, and establishing an effective date; and authorizing the execution of all related documents. (No fiscal impact during Fiscal Year 2004-2005. \$3,088,376 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee will be included in the Fiscal Year 2005-2006 Proposed Budget of the Hotel Tax Revenue Bond Redemption Fund.) (Related Items 120, 121)  
**Ordinance No. 20050623-122 was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Alvarez was off the dais.**

**BRIEFINGS**

123. Presentation from the RMMA Plan Implementation Advisory Commission to update Council on issues related to the Mueller Masterplan.  
**The presentation was made by Jim Walker, Chair, and Rick Krivoniak, Member of the RMMA Implementation Advisory Commission.**
124. Presentation on Land Development Suitability Assessment along SH 130 Corridor: Staff report on development trends, environmental conditions and infrastructure availability along the SH 130 Corridor.  
**The presentation was made by Alice Glasco, Neighborhood Planning and Zoning; Chris Riley, Chair of the Planning Commission; and Chris Lippe, Austin Water Utility.**
22. Authorize negotiation and execution of an amendment to the legal services agreement with BRACEWELL & GIULIANI, L.L.P., Austin, TX (formerly Bracewell & Patterson), for legal representation, advice, and counsel concerning water rights permits matters involving the Colorado River and the Lower Colorado River Authority (primarily applications before the Texas Commission on Environmental Quality), and concerning revisions and updates to the Year 2000 Region "K" Water Supply Plan for the Lower Colorado Regional Water Planning Group for an increase of \$295,000.00, with a total contract amount not to exceed \$1,055,000.00. (Funding in the amount of \$147,500 is available in the 2004-2005 Amended Operating Budget of Austin Energy and funding the amount of \$147,500 is available in the 2004-2005 Approved Operating Budget of Austin Water Utility.) (Related Item 114)  
**The motion authorizing the negotiation and execution of an amendment to the legal services agreement was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**

**BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

Mayor Wynn recessed the Council Meeting at 4:21 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 4:23 p.m.

**ZONING CONSENT ITEMS**

**The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member' Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.**

125. C14-05-0009 - Brazos - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim - rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. The conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at second ordinance reading. Second Reading on May 12, 2005. Vote: 7-0. Applicant: Ray Pickard, Jr.; Wayne Edward Pickard,; Rene Leon Pickard. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to July 28, 2005 at the applicant's request.**

126. C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (Part) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with conditions. First reading on November 4, 2004. Vote: 7-0. Second reading on May 26, 2005. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Greg Guernsey, 974-2387. Note: A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to August 4, 2005 at the neighborhood's request.**
127. C14H-04-0030 - John and Josephine January House - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1617 West 12th Street from family residence, neighborhood plan (SF-3-NP) combining district zoning to family residence, historic, neighborhood plan (SF-3-H-NP) combining district zoning. First reading on April 14, 2005. Vote 7-0. Applicant: Historic Landmark Commission. Owner: Jack Frost Sanders and Nancy Sue Crow. City Staff: Steve Sadowsky, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed in opposition to this rezoning request.  
**The second reading of the ordinance was approved.**
128. NPA-04-0009.02 - Central East Austin - Approve third reading of an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential land use designation to a mixed use office land use designation for 901 E. 15<sup>th</sup> Street. First Reading: April 7, 2005. Vote: 6-1 (Slusher-Nay). Second Reading: June 9, 2005. Vote: 4-2 (Slusher, Goodman - Nay, McCracken-off the dais). Applicant: Dr. Fernando Loya. Agent: Lopez-Phelps and Associates (Amelia Lopez-Phelps). City Staff: Adam Smith, 974-7685. (Related Item 129)  
**Ordinance No. 20050623-128 for mixed use office land use designation was approved.**
129. C14-04-0091 - Family Dental Practice - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 East 15<sup>th</sup> Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning with conditions. First Reading: April 7, 2005. Vote: 6-1 (Slusher-Nay). Second reading on June 9, 2005. Vote: 4-2 (Slusher, Goodman-Nay, McCracken-off the dais). Applicant: Fernando H. Loya. Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps.) City Staff: Sherry Sirwaitis, 974-3057. (Related Item 128)  
**Ordinance No. 20050623-129 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning with conditions was approved.**

130. C14-05-0023 - Murphey Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5029 Southwest Parkway (Barton Creek Watershed - Barton Creek Zone) from development reserve (DR) district zoning to general office-conditional overlay (GO-CO) combining district zoning for Tract 1; limited office-conditional overlay (LO-CO) combining district zoning for Tract 2; and rural residence (RR) for the floodplain subject to conditions. First Reading on May 12, 2005. Vote: 6-0 (Thomas off the dais). Applicant: Murphey Thomas Oran. Agent: Bury and Partners (Jim Gallegos). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20050623-130 for general office-conditional overlay (GO-CO) combining district zoning for Tract 1; limited office-conditional overlay (LO-CO) combining district zoning for Tract 2; and rural residence (RR) for the floodplain subject to conditions was approved. Council Member Alvarez voted nay.**
131. C14-05-0036 - Pioneer Farms - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11418 Sprinkle Cutoff Road (Walnut Creek Watershed) from development reserve (DR) district zoning and development reserve-historic (DR-H) combining district zoning to public (P) district zoning and public-historic (P-H) combining district zoning. First reading on May 12, 2005. Vote: 7-0. Property Owner: Heritage Society of Austin (Mike Ward). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil: 974-2330.  
**This item was postponed to July 28, 2005 at staff's request.**
132. C14-05-0011 - Shumaker - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 N. FM 973 (Colorado River Watershed) from development reserve (DR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. First Reading on May 12, 2005. Vote 7-0. Applicant: Wade Shumaker. Agent: Minter Joseph & Thornhill (John Joseph Jr.) City Staff: Robert Heil, 974-2330.  
**This item was postponed to July 28, 2005 at staff's request.**
133. C14-04-0197 - 11833 Buckner Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11833 Buckner Road (Lake Travis Watershed) from development reserve (DR) district zoning to family residence (SF-3) district zoning. First reading on May 12, 2005. Vote: 7-0. Applicant/Agent: Patricia King Sigg. City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 20050623-133 for family residence (SF-3) district zoning was approved.**
139. C814-96-0003 - Pioneer Crossing - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 ft. along the north side of Samsung Blvd., approximately 1000 ft. east from its intersection with Sprinkle Cutoff Road (Walnut Creek Watershed) from Planned Unit Development (PUD) district zoning to Planned Unit Development (PUD) district zoning in order to modify the land use plan. First reading on May 19, 2005. Vote: 6-0 (Thomas off the dais). Applicant: Pioneer Development Corp. (Ralph Reed). Agent: Planned Environments (Jim Vater). City Staff: Thomas Bolt, 974-2755.  
**This item was postponed to July 28, 2005.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-3** C814-01-0038.02 - Parmer/Walnut Creek PUD Amendment #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200-1210 West Parmer Lane (Walnut Creek Watershed) from community commercial (GR) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Edgar and Linda Perry, Exxon Corporation (Sandra L. Heysinger). Agent: McLean & Howard, L.L.P. (William P. McLean). City Staff: Sherri Sirwaitis, 974-3057.  
**The first reading of the ordinance for planned unit development (PUD) district zoning with conditions was approved.**
- Z-6** C14H-04-0031 - Ikins-O'Connell-Messer House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2608 McCallum Drive from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny family residence-historic (SF-3-H) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to August 4, 2005 at the neighborhood's request.**
- Z-7** C14-05-0046 - Big View Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3600 Block of Big View Drive (Lake Austin Watershed), from single-family residence large lot-conditional overlay (SF-1-CO) combining district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: Glenlake Ltd. Agent: Ray Wilkerson Co., Inc., City Staff: Thomas Bolt, 974-2755.  
**Ordinance No. 20050623-Z007 for public (P) district zoning was approved.**
- Z-8** C14-05-0047 - Water-2-Wine - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3300 West Anderson Lane (Shoal Creek Watershed), from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Kennedy Wilson Properties. Agent: Land Strategies. City Staff: Thomas Bolt, 974-2755.  
**Ordinance No. 20050623-Z008 for commercial-liquor sales (CS-1) district zoning was approved.**
- Z-9** C14-05-0045 - Pallas 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 220 Ralph Ablanado Drive (Onion Creek Watershed) from development reserve (DR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial - conditional overlay (LI-CO) combining district zoning for Tract One, and commercial services - conditional overlay (CS-CO) combining district zoning for Tract Two. Applicant: Jim Pallas. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20050623-Z009 for limited industrial - conditional overlay (LI-CO) combining district zoning for Tract One, and commercial services - conditional overlay (CS-CO) combining district zoning for Tract Two was approved.**

- Z-10 C14-05-0061 - Escarpment Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9600 Escarpment Boulevard (Slaughter Creek - Barton Springs Zone) from community commercial - conditional overlay (GR-CO) combining district zoning to commercial - liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial - liquor sales (CS-1) district zoning. Applicant: Escarpment Village, L.P. (John E. Baker). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Hausmann). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20050623-Z010 for commercial - liquor sales (CS-1) district zoning was approved.**
- Z-11 C14-05-0062 - 1901 Matthews Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901 Matthews Lane (Williamson Creek Watershed) from family residence (SF-3) to general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office - conditional overlay (GO-CO) combining district zoning. Applicant and Agent: Vicky Coffee-Fletcher. City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20050623-Z011 for general office - conditional overlay (GO-CO) combining district zoning was approved.**
- Z-12 C14-05-0038 - Gables at 5th - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601-1611 West 5<sup>th</sup> St. (Town Lake Watershed) from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Applicant: J17 Fortune, L.P. (Margaret L. Mueller). Agent: Drenner Stuart Wolff Metcalfe von Kreisler (Michele Allen). City Staff: Thomas Bolt, 974-2755.  
**Ordinance No. 20050623-Z012 for limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved.**
- Z-13 C14-05-0070 - T. Warren Investments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3320-3404 South FM 973 Road (Colorado River Watershed) from interim rural residence (I-RR) district zoning to public-conditional overlay (P-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant public-conditional overlay (P-CO) combining district zoning with conditions. Applicant: T. Warren Investments, Inc. (Thomas G. Warren). Agent: Chartwell Interests, Inc. (Timothy Merriweather). City Staff: Wendy Walsh, 974-7719.  
**The first reading of the ordinance for public-conditional overlay (P-CO) combining district zoning with conditions was approved.**
- Z-14 C14-05-0072 - City Park Road and Pearce Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Southeast intersection of City Park Road and Pearce Road (Tracts 1 and 2) (Lake Travis Watershed) from interim single family residence-large lot (I-SF-1) district zoning to single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot (SF-1) district zoning. Owner: PK-RE Development Co. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.  
**Ordinance No. 20050623-Z014 for single family residence-large lot (SF-1) district zoning was approved.**

- Z-16 C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-17)  
**This item was postponed to July 28, 2005 at the applicant's request.**

- Z-17 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-16)  
**This item was postponed to July 28, 2005 at the applicant's request.**

- Z-18 C14-04-0196 - Hyde Park North NCCD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by 51<sup>st</sup> Street to the north, 45<sup>th</sup> Street to the south, Red River Street to the east and Guadalupe Street to the west (Waller Creek Watershed) from family residence (SF-3) district zoning, limited office (LO) district zoning, and general commercial services (CS) district zoning to single-family residence-standard lot-neighborhood conservation (SF-2-NCCD) combining district zoning, family residence-neighborhood conservation (SF-3-NCCD) combining district zoning, multi-family residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning, and community commercial-neighborhood conservation (GR-NCCD) combining district zoning. A Conditional Overlay (CO) combining district or a Mixed Use (MU) combining district may also be added to these zoning base districts. Planning Commission Recommendation: Postponed to July 12, 2005. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.  
**This item was postponed to July 28, 2005 at the staff's request.**

### **ZONING DISCUSSION ITEMS**

- Z-1 C14-05-0026 - 1805 Frontier Valley - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1805 Frontier Valley Drive (Carson Creek Watershed) from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family moderate-high density neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family medium density-neighborhood plan (MF-3-NP) combining district zoning. Property Owner: Marbella Corp. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.  
**The public hearing was closed on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.**

**The first reading of the ordinance for multi-family medium density-neighborhood plan (MF-3-NP) combining district zoning was approved with conditions as listed and exclusion of gates on Council Member Leffingwell's motion, Council Member McCracken's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, Leffingwell and McCracken. Those voting nay were: Mayor Pro Tem Thomas, Council Members Alvarez and Klm.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:56 p.m.**

**LIVE MUSIC**

**Billy Dee**

**PROCLAMATIONS**

**Certificate of Congratulations - Oracle Data Center of the Year Award - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by Mitch McGovern**

**Proclamation - Toastmasters International Region III Conference - to be presented by Mayor Will Wynn and to be accepted by Lark Doley**

**Distinguished Service Award - Ruthie Coaxum - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree**

**Proclamation - National Parks and Recreation Month - - to be presented by Mayor Will Wynn and to be accepted by Warren Struss**

**Certificates of Congratulations - Volunteers of the Month for May and June - to be presented by Council Member Brewster McCracken and to be accepted by Jerry Doran and Lisa Whitworth**

**Proclamation - Homeownership Month - to be presented by Mayor Will Wynn and to be accepted by Paul Hilgers**

**EXECUTIVE SESSION CONTINUED**

- 113. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 7:13 p.m.**

**PUBLIC HEARINGS**

- 136. Conduct a public hearing continuing the public hearing of May 26, 2005 and take possible action regarding the recommendations related to African American quality of life in Austin, developed through facilitated community discussions held between April 25, 2005 and April 29, 2005.**  
**The public hearing was closed with the following amendment on Council Member Leffingwell's motion, Council Member Kim's second on a 7-0 vote.**
- 1. Assemble a structure to help with implementation.**
  - 2. Create a performance measure in each of the six areas to gauge success.**
  - 3. Review recommendations and bring back an action plan along with first year plan on October 6, 2005.**

**ZONING DISCUSSION ITEMS CONTINUED**



- Z-2** C14H-05-0002 – Nelson and Texanna Davis House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1621 West 12th Street from family residence, neighborhood plan (SF-3-NP) combining district zoning to family residence, historic, neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence, historic, neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence, historic, neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Historic Landmark Commission. Owner: Jon D. Armstrong. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed in opposition to this rezoning request.

**The public hearing was closed and the first reading of the ordinance for family residence, historic, neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Dunkerley's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.**

- Z-4** C14H-05-0007 – Brown's Flower Shop. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4301 Avenue A from family residence, neighborhood conservation (SF-3-NCCD) combining district to family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: To deny family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Applicant: Historic Landmark Commission. Owners: Mike and Jeanette Freitag. Agent: Dallas Grant. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed in opposition to this rezoning request.

**The public hearing was closed and the motion to deny with direction to the neighborhood to continue historic preservation plan in accordance with plan as outlined by staff was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.**

- Z-5** C14H-05-0008 – Mary Burleson House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 Rio Grande Street from general office, neighborhood plan (GO-NP) district to general office, neighborhood plan - historic (GO-NP-H) combining district zoning. Historic Landmark Commission Recommendation: To grant general office, neighborhood plan - historic (GO-NP-H) combining district zoning. Planning Commission Recommendation: To deny general office, neighborhood plan-historic (GO-NP-H). Applicant: Historic Landmark Commission. Owner: Dan Fawcett. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

**The public hearing was closed and the motion to deny was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.**

**The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

- Z-15** C14H-05-0006 – Thompson-Carter House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1815 Waterston Avenue from family residence, neighborhood plan (SF-3-NP) combining district

zoning to family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: Forward without a recommendation due to lack of a quorum vote. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and this item was postponed to July 28, 2005 on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

135. Conduct a public hearing and consider an appeal by Mike McHone under Section 25-11-247 of the City Code of the denial of a Certificate of Appropriateness by the Historic Landmark Commission under Section 25-11-243 of the City Code for the Maverick Miller House, located at 910 Poplar Street. (Certificate of Appropriateness denied by Historic Landmark Commission.) The public hearing was closed on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to deny the appeal was approved on Council Member Klm's motion, Council Member Dunkerley's second on a 7-0 vote.

134. Conduct a public hearing and approve proposed amendment to Chapter 5-1 of the City Code relating to accessibility for the mobility impaired in housing constructed with public funds. (Recommended by Mayor's Committee for People with Disabilities and the Community Development Commission) The public hearing was closed and Ordinance No. 20050623-134 was approve on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

#### **DISCUSSION ITEMS CONTINUED**

85. Approve a resolution ratifying the Second Supplemental Contractual Agreement for Right-of-Way Procurement (ROW CSF NO.: 011313086) with the Texas Department of Transportation, amending the provisions of the Contractual Agreement regarding reimbursement to the City of Austin of expenditures for right-of-way acquisition and utility relocation for the proposed tolled portion of the State Highway 71 Project from Riverside Drive to Thornberry Lane and including the State Highway 71 intersection. The public hearing was conducted and staff requested the item be withdrawn from the agenda. No Council action was taken.
86. Approve a resolution ratifying the Second Supplemental Contractual Agreement for Right-of-Way Procurement (ROW CSJ NO.: 015109039) with the Texas Department of Transportation, amending the provisions of the Contractual Agreement regarding reimbursement to the City of Austin of expenditures for right-of-way acquisition and utility relocation for the proposed tolled portion of U.S. 183 Project from U.S. 290 East to State Highway 71 and including the State Highway 71 intersection. The public hearing was conducted and staff requested the item be withdrawn from the agenda. No Council action was taken.

87. Approve a resolution ratifying the Seventh Supplemental Contractual Agreement for Right-of-Way Procurement (ROW CSJ NO.:011308039) with the Texas Department of Transportation, amending the provisions of the Contractual Agreement regarding reimbursement to the City of Austin of expenditures for right-of-way acquisition and utility relocation for the proposed tolled portion of U.S. 290 West from Joe Tanner to Scenic Brook Drive and including the State Highway 71 Intersection.  
The public hearing was conducted and staff requested the item be withdrawn from the agenda. No Council action was taken.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:25 a.m.

#### **EXECUTIVE SESSION CONTINUED**

116. Discuss legal issues *Josie Ellen Champion, et al. v. City of Austin*, Cause No. GN 400513, in the Travis County District Court. (concerns a legal challenge to zoning ordinances governing tracts at FM 2222 and Loop 360)
117. Discuss legal issues related to *Harry M. Whittington, et al., v. City of Austin*, Cause No. 03-03-00496-CV in the 3<sup>rd</sup> Court of Appeals of Texas, Austin. (concerns the City's condemnation case)  
This item was withdrawn.
118. Discuss the legal issues in *City of Austin v. Ryan-O Excavating, Inc.*, Cause No. 03-05-00108CV in the Third Court of Appeals, Austin, Texas. (concerns the Barton Springs Road utility construction project) (Related Item 119)  
This item was withdrawn.

#### **Action on Executive Session**

119. Approve a settlement agreement in *City of Austin v. Ryan-O Excavating, Inc.*, Cause No. 03-05-00108CV in the Third Court of Appeals, Austin, Texas. (concerns the Barton Springs Road utility construction project)(Related Item 118)  
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council meeting back to order at 1:17 a.m.

#### **DISCUSSION ITEMS CONTINUED**

106. Approve appointments to Council sub-committees and Council representation to local intergovernmental and interregional organizations or committees. (Mayor Will Wynn and Council Member Betty Dunkerley)  
The motion appointing Council Member Dunkerley to the CAMPO Board with Council Member Leffingwell as the alternate, Council Member Alvarez to the Capital Metro Board and to create the Land Use and Transportation Committee appointing Council Members Dunkerley, McCracken and Leffingwell was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 7-0 vote. The remaining committee appointments were postponed to July.

Mayor Wynn adjourned the meeting at 1:28 a.m. without objection.

The minutes for the Regular Meeting of June 23, 2005 were approved on this the 28th day of July, 2005 on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.